

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-215/94 in
OA-253/94

New Delhi this the 14th Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Smt. Gulshan Kumari,
W/o Sh. Prabhat Kumar,
R/o 402, Indira Vihar,
Near B.B.M. DTC Depot,
Delhi-9.

Review Applicant

(through Shri Ellis Ahuja, counsel)

versus

1. Union of India,
through its Secretary,
Ministry of Human Resource Development,
Department of Child & Woman Welfare,
Shastri Bhavan,
New Delhi.
2. The Chairman,
Central Social Welfare Board,
Samaj Kalyan Bhawan,
12, Tara Crescent Institutional Area,
South of I.I.T.,
New Delhi-16.
3. Sh. H.S. Bhalla,
Deputy Director (Estt.),
Central Social Welfare Board,
Jeevan Deep,
Sansad Marg,
New Delhi-1.

Respondents

ORDER (BY CIRCULATION)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

The main grounds for review are :-

- (a) the non-appearance the counsel for
the applicant on the date of final
hearing has prejudiced her case.
- (b) wrong calculation of the sheets
which should have been ear-marked
through the Limited Departmental
Promotion Examination.

bv

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As admitted by the review applicant, after the respondents had filed their reply, the applicant asked for and was given a week's time to file rejoinder and the case was adjourned to 14.4.94. It was finally heard on 21.4.94. Obviously, the failure to file the rejoinder was on the part of the applicant even though sufficient time was available for this purpose. The applicant who was present when the order was being dictated in the open court, did not raise any objection. In any case, the judgement is based on merits of the case and the O.A. has not been dismissed on the ground for default and non-prosecution.

This Tribunal after considering all the factors ^{held} ~~that~~ the respondents ^{had not} ~~acted~~ unfairly in giving regular appointment to S/Shri Joginder Singh and Smt. Padmavati Gupta after ignoring the claim of the applicant. These three persons had the better claim than the applicant. The competent authority was within its right to cancel an order which was issued in favour of the applicant inadvertently.

It is open to the applicant to challenge the conclusion arrived at by this Tribunal in the appropriate forum. However, we find no apparent error on the face of record in the order passed by this Tribunal. The review application is hereby dismissed.

B. N. Dhoundiyal
(B.N. Dhoundiyal)
Member(A)

S.K. Phoon
(S.K. Phoon)
Acting Chairman